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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,678	08/29/2003	Edward Michael Even	GE131915	9311
29827	7590	07/14/2005	EXAMINER	
FRANCIS L. CONTE, ESQ. 6 PURITAN AVENUE SWAMPSCOTT, MA 01907			HEINRICH, SAMUEL M	
			ART UNIT	PAPER NUMBER
			1725	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/651,678		EVEN ET AL.	
	Examiner		Art Unit	
Samuel M. Heinrich		1725		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 22-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>08/29/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Information Disclosure Statement

Information Disclosure Statement received August 29, 2003 contains USPN 6,479,490, but the Examiner concludes that the correct PN is 6,479,790. If this is not correct, please submit correct data.

Election/Restrictions

Applicant's election with traverse of Group I, claims 1-21, in the reply filed on May 03, 2005 is acknowledged. The traversal is on the ground(s) that Group I must be described as product claims instead of being described as apparatus claims. This is not found persuasive because the claims are drawn to work holder structures which are classified as apparatus claims.

The requirement is still deemed proper and is therefore made FINAL.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,235,241 to Catt et al in view of USPN 4,937,421 to Ortiz, Jr. et al and in view of USPN 6,200,689 to Ferrigno et al. Ferrigno et al disclose (see Fig. 7) well known dual side laser processing of a workpiece using angled beam application in order to effectively treat two surfaces simultaneously. Ortiz, Jr. et al disclose (see Front Page) the well known clamping of a workpiece using an apertured clamp and disclose the use of a robotic unit for application of a laser beam to the workpiece. Catt et al disclose the well known work piece clamp having recesses or seats for fixturing a workpiece and also having apertures on opposite sides of the fixtured workpiece. The change in shape of the apertured work holder disclosed by Catt et al in order to fixture workpieces for use for laser processing would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because work holders are notoriously well known and because the dual application laser processing is very well known in the art. The application of laser energy for peening a workpiece is very well known as

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disclosed by Ortiz, Jr. et al and the use of a dual sided clamp for laser peening would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art because processing plural sides of a workpiece or processing multiple sides of workpieces reduces processing time and is cost efficient. The instant claimed wedge shape is suitable for dual sided laser processing which is well known. The mounting of the clamp onto a base is merely a change in support structure which would have been obvious at the time applicant's invention was made to a person having ordinary skill in the art depending on the shape of the workpiece and on the available laser apparatus. Oval apertures are simply a change in shape with respect to the rectangular apertures disclosed by Catt et al. Cross hairs are well known in the alignment and application of lasers to workpieces. The use of multiple bolts for assembly of apparatus is known in the art. The use of target sheets in the clamp is an intended use of an apparatus which does not impart patentability to the apparatus claims. Computer control of robotic apparatus and adjustable optics are well known laser apparatus components.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited art pertains to laser processing and clamp structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samuel M. Heinrich whose telephone number is 703 308 1168. The examiner can normally be reached on M-TH.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas G. Dunn can be reached on 703 308 3318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Samuel M Heinrich
Primary Examiner
Art Unit 1725
June 30, 2005

SMH